

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

ALEXIS MCLEMORE,

Plaintiff,

vs.

THE SHADE TREE,

Defendant,

2:10-cv-1801-LDG-RJJ

REPORT AND RECOMMENDATION  
OF UNITED STATES  
MAGISTRATE JUDGE

The Court having reviewed this case makes the following findings:

1. Plaintiff, Alexis McLemore, failure to file an acceptable amended complaint as ordered. *See*. Minutes of Proceedings (#5).
2. Plaintiff, Alexis McLemore, failed to respond to an Order to Show Cause (#13) why this case should not be dismissed for her failure to prosecute.
3. Finally, Plaintiff, Alexis McLemore, has filed an appeal with the Ninth Circuit Court of Appeals which was dismissed for lack of jurisdiction. *See*, Order of USCA, Ninth Circuit (#12).

Good cause appearing therefore,

**RECOMMENDATION**

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be  
**DISMISSED WITH PREJUDICE.**

**NOTICE**

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 11th day of August, 2011.

  
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ROBERT J. JOHNSTON  
United States Magistrate Judge